

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 22, 2006. Claims 1-20 were pending in the application and are rejected in the Office Action. For the reasons discussed below, Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1-7 and 9-20 under 35 U.S.C. § 102(e) as being anticipated over U.S. Patent No. 6,563,793 issued to Golden ("*Golden*"). For the following reasons, Applicant respectfully traverses the rejections of Claims 1-7 and 9-20.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P § 2131 (*emphasis added*).

Independent Claim 1 of the present application, as amended, recites the following limitations:

A method for supporting packet communications in an optical network, the method comprising:
receiving packet data at a synchronous optical network element; and
switching the packet data to a concentrated path, the concentrated path providing an optical link between the synchronous optical network element and a remote synchronous optical network element;
wherein switching comprises multiprotocol label switching to concentrate a plurality of label switched paths to the concentrated path and to provide a virtual private network over a synchronous optical network.

Although Applicant believes that original Claim 1 was in condition for allowance, Applicant has amended Claim 1 to clarify the invention by reciting that the claimed switching of packet data to a concentrated path comprises "multiprotocol label switching to

concentrate a plurality of label switched paths to the concentrated path.” This added limitation was taken from Claim 10, which has been canceled. As Claim 1 previously recited, the concentrated path provides an optical link between the synchronous optical network element and a remote synchronous optical network element. Therefore, Claim 1 requires multiprotocol label switching to concentrate a plurality of label switched paths to a concentrated path of an optical link in a synchronous optical network.

In the rejection of Claim 10, the Office Action indicates that *Golden* teaches this limitation at Col. 11, line 8 – Col. 12, line 67. Applicant respectfully submits that there is no disclosure anywhere in this passage of using MPLS, much less a disclosure of using MPLS to concentrate a plurality of label switched paths to a concentrated path in a synchronous optical network. In fact, the only reference to MPLS with respect to the invention of *Golden* is at Col. 20, lines 35-44, which only mentions that certain network elements (NEs) in the disclosed private network 26 may support MPLS. This is not a disclosure of the specific limitation at issue here, since the mere mention of MPLS is not sufficient to disclose the specific use and application of MPLS recited in the claim.

Because *Golden* at least does not disclose using MPLS to concentrate a plurality of label switched paths to a concentrated path in a synchronous optical network, Applicant respectfully submits that it does not anticipate Claim 1. Furthermore, independent Claims 11 and 19 have been amended to include this limitation. Therefore, Applicant respectfully requests allowance of Claims 1, 11, and 19, as well as the claims that depend from these independent claims.

In addition to depending from an allowable independent claim, many of the dependent claims recite additional limitations not disclosed by *Golden*. By way of example only, Applicant discusses some of these dependent claims below.

For example, dependent Claim 3 recites that the virtual private network, provided by the multiprotocol label switching discussed above, “links the ethernet port of the synchronous optical network element and an ethernet port of the remote synchronous optical

network element.” Claim 12 recites a similar limitation. The Office Action asserts that this limitation is disclosed by Figure 11 of *Golden*. However, as discussed above, *Golden* discloses that only certain NEs in network 26 use MPLS and that the network includes a chain of incompatible NEs. *See* Col. 20, lines 35-44. For example, this passage discloses that a first NE may support diff-serv tagging, followed by an NE supporting MPLS, and then followed by another NE supporting diff-serv tagging. Therefore, even assuming that *Golden* recited the limitations of Claims 1 and 11 (which Applicant asserts that it does not for the reasons given above), the MPLS switching is not performed across the network (from the ethernet port of one network element to the ethernet port of a remote network element). For at least this additional reason, Applicant respectfully requests allowance of Claims 3 and 12.

In addition, dependent Claim 4 of the present application recites that “a multiprotocol label switch (MPLS) stack delineates a plurality of MPLS paths for the virtual private network.” Claim 15 recites a similar limitation. Regarding Claim 4, the Office Action asserts that this limitation is disclosed at Col. 20, lines 34-44. Regarding Claim 15, the Office Action asserts that this limitation is disclosed at Col. 16, lines 19-36. Applicant is unsure why different citations are used for these similar claims, but submit that neither of these passages discloses the recited limitation. As noted above, the passage of Column 20 only discloses that a network element may support MPLS. The second passage does not even mention MPLS. Neither passage discloses anything about an MPLS stack and how that stack delineates a plurality of MPLS paths. For at least this additional reason, Applicant respectfully requests allowance of Claims 4 and 15.

Furthermore, dependent Claim 5 recites “mapping the packet data among the MPLS paths.” Dependent Claims 6 and 7 recite that this mapping is “based on ethernet media access control addresses included in the packet data” or “based on destination internet protocol addresses included in the packet data,” respectively. Claims 16, 17 and 18 recite similar limitations, respectively. Among these claims, the Office Action asserts Col. 10, line 24-46 and Col. 11, line 8 – Col. 12, line 67 as disclosing these limitations. However, none of these passages even disclose using MPLS. Furthermore, as noted above with regard to Claim 1, *Golden* does not disclose multiprotocol label switching to concentrate a plurality of label

switched paths to the concentrated path and thus also does not disclose mapping packet data among MPLS paths, as recited in Claims 5 and 16. Likewise, *Golden* does not disclose specifically what this mapping is based on, as recited in Claims 6, 7, 17, and 18. For at least this additional reason, Applicant respectfully requests allowance of Claims 5, 6, 7, 16, 17, and 18.

Section 103 Rejections

The Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Golden* in view of U.S. Patent Publication No. 2001/0033570 issued to Makam ("*Makam*"). Applicant respectfully traverses the rejection of Claim 8 since Applicant believes that *Makam* does not qualify as prior art. The present application claims priority to and is a continuation of U.S. Patent Application No. 09/303,428, which was filed on May 3, 1999. Since *Makam* was filed on February 15, 2001 and has a priority claim to a provisional application filed on February 18, 2000, Applicant does not believe that *Makam* qualifies as prior art under any section of 35 U.S.C. § 102. For at least this reason, Applicant respectfully requests allowance of Claim 8.

CONCLUSION

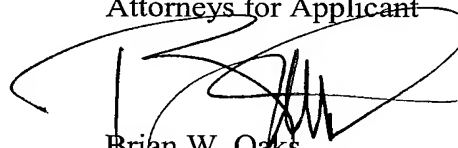
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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